

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AMANDA TIMPSON,

Plaintiff,

v.

CAFN: 1:22-cv-05115-WMR-JSA

FULTON COUNTY DISTRICT
ATTORNEY'S OFFICE and
FANI WILLIS, in her individual
Capacity as Fulton County DA,

Defendants.

**PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT
AGAINST DEFENDANTS AND INCORPORATED MEMORANDUM IN
SUPPORT OF SAME**

Plaintiff, by and through her undersigned counsel, pursuant to Fed. R. Civ. P. 55(a), hereby move for the Clerk's Entry of Default against Defendants Fulton County District Attorney's Office and Fani Willis, in her individual capacity as Fulton County DA. In support thereof, Plaintiffs state:

I. Plaintiff Properly Served Defendants via Private Process Server

Counsel for Plaintiff filed her complaint on December 28, 2022 (ECF 1). Counsel for Plaintiff obtained a Private Process server, who served Defendants on January 18, 2023 (ECF 7, 8). Defendants Answer to Plaintiff's Complaint was due on February 8, 2023. To date, Defendants have not filed a responsive pleading.

Counsel for Plaintiff requested a status conference with the Court. Counsel for Plaintiff served the Court Order on both Defendants pursuant to Fed. R. Civ. P. 5. The status conference was held on March 30, 2023 (ECF 11). Counsel for Plaintiff was present. Defendant was not present during this conference call.

II. For Failure to make an appearance following proper service, Plaintiff's request the Clerk to Enter Default Against Defendant's Fulton County District Attorney's Office and Fani Willis in her individual capacity as Fulton County DA

Plaintiff's served Defendants in accordance with Fed. R. Civ. P. 4(e)(1) and O.C.G.A. § 9-11-4(f)(1). Defendants are in default of Plaintiff's Complaint, as neither Defendants have either served any answer, reply, dispositive motion, or other response. See Fed. R. Civ. P. 55(a) ("When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."); see also Cocklereece v. Moran, 500 F. Supp. 487, 490 (N.D.Ga. 1980) ("Plaintiff seeks the entry of default...against defendant...[under] Rule 55, Fed. R. Civ. P. Defendant has not filed an answer to the complaint...Entry of default by the Clerk of Court is, therefore, proper at this time.")

III. Conclusion

For the foregoing reasons, as are supported by the Court's Docket, Plaintiffs respectfully request that a Clerk's Entry of Default be entered against Defendants Fulton County District Attorney's Office and Fani Willis, in her individual capacity as Fulton County DA for all claims brought against them in the Complaint.

Respectfully submitted this 3rd day of April 2023.

/s/ David E. Betts
David E. Betts
Ga. Bar No. 055850

BETTS & ASSOCIATES
44 Broad Street NW, Suite 200
Atlanta, GA 30303
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CERTIFICATE OF SERVICE

I hereby certify that on this day I served the foregoing MOTION FOR CLERK'S ENTRY OF DEFAULT AGAINST DEFENDANTS FULTON COUNTY DISTRICT ATTORNEY'S OFFICE AND FANI WILLIS WITH MEMORANDUM IN SUPPORT OF SAME to Defendants by First Class Mail at the following business address:

Fulton County District Attorney's Office
Madam Fani Willis, Esq.
136 Pryor St SW, 3rd Floor
Atlanta, GA 30303

Respectfully submitted this 3rd day of April 2023.

/s/ David E. Betts
David E. Betts
Ga. Bar No. 055850

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